

DAN M. WINDER, ESQ.  
Nevada State Bar No. 01569  
LAW OFFICE OF DAN M. WINDER, P.C.  
3507 W. Charleston Blvd.  
Las Vegas, NV 89102  
Telephone: (702) 474-0523  
Facsimile: (702) 474-0631  
[winderdatatty@aol.com](mailto:winderdatatty@aol.com)

Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TADIOS TESSEMA, INDIVIDUALLY, and  
as the former UNIT CHAIR of the FRIAS  
TRANSPORTATION BATGAINING  
UNIT, LOCAL 711A, UNITED STEEL,  
PAPER AND FORESTRY, RUBBER,  
MANUFACTURING, ENERGY, ALLIED  
INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION,

Plaintiff,

v.

UNITED STEELWORKERS, PAPER AND  
FORESTRY, RUBBER,  
MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL UNION;  
LEO W. GERARD; ROBERT LaVENTURE;  
MANUEL ARMENTA; CHRIS  
YOUNGMARK;  
ACE CAB INC.; UNION CAB CO.;  
VEGAS-  
WESTERN CAB INC.; A-N.L.V. CAB CO.;  
VIRGIN VALLEY CAB COMPANY, INC.;  
FRIAS TRANSPORTATION  
MANAGEMENT  
DOES I-X and ROES XI-XX,

Defendants.

Case No.: 2:13-cv-01782-APG-VCF

**STIPULATED AND ORDER TO  
EXTEND DISCOVERY AND  
DISPOSITIVE MOTION DEADLINES**

(First Request)

The parties, by and through their respective counsel of record hereby stipulate and agree  
as follows:

1. On June 16, 2014, this Court entered its Order setting out the discovery plan and  
scheduling order dates (Dkt. #74).

2. This is the first request by the parties to amend the Court's June 16, 2014 scheduling order.

3. The parties deferred significant discovery until the Court ruled on Defendants' Frias Transportation Management; Virgin Valley Cab Company, Inc.; Ace Cab, Inc.; A-N.L.V. Cab Co.; Union Cab Co.; and Vegas-Western Cab, Inc., Partial Motion to Dismiss (Dkt. #31) Union Defendants' Motion for Partial Judgment on the Pleadings (Dkt. #47) and Plaintiff's Motion for Expedited Declaratory Relief (Dkt. #37). The Union Defendants propounded discovery on August 8, 2014.

4. On September 9, 2014, the Court conducted a hearing respecting the aforementioned motions and entered its Order (Dkt. #77) there upon on September 17, 2014. The Plaintiff filed a Motion to Alter or Amend Judgment or in the Alternative Relief from Final Judgment (Dkt. #78) and responses by the Defendants are due on or before November 4, 2014.

5. This extension is necessary based on counsels' schedules, the availability of witnesses, the time needed to complete all reasonable discoveries and the opportunity to consider the Court's ruling on the Plaintiff's motion for reconsideration.

For the above-stated reasons, the parties request that the discovery deadline be extended four (4) months from December 1, 2014 to April 1, 2015 to accord time for the Court's ruling on Plaintiff's Motion to Alter or Amend Judgment or in the Alternative Relief from Final Judgment and to allow discovery to be completed.

#### **PROPOSED SCHEDULE**

1. **Discovery.** The parties stipulate and agree that the discovery period shall be extended four (4) months from December 1, 2014 to April 1, 2015 with all written discovery to be propounded in time such that responses shall be due no later than April 1, 2015.

2. **Expert Disclosures.** The disclosure of experts and experts reports shall be due no later than February 2, 2015, which is not later than sixty (60) days before the proposed discovery deadline. The disclosure of rebuttal experts and their reports shall be due no later than March 3, 2015, which is not later than thirty (30) days after expert disclosures.

3. **Interim Status Report.** An Interim Status report shall be filed no later than

1           4.     **Dispositive Motions.** The parties shall have through and including May 1, 2015 to  
2 file dispositive motions, which is thirty (30) days after the proposed discovery deadline.

3           5.     **Pretrial Order.** If no dispositive motions are filed, the Joint Pretrial Order shall be  
4 file June 1, 2015, which is thirty (30) days after the date set for the filing of dispositive motion. In  
5 the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended  
6 until thirty (30) days after decision on the dispositive motions or by further order of the Court.

7           6.     **Amending the Pleadings and Adding Parties.** The last day to file motions to  
8 amend pleadings or to add parties shall be sixty (60) days before the close of discovery or sixty (60)  
9 days after the filing of the Defendants' Frias Transportation Management; Virgin Valley Cab  
10 Company, Inc.: Ace Cab, Inc.; A-N.L.V. Cab Co.; Union Cab Co.; and Vegas-Western Cab, Inc.,  
11 Answer which ever occurs later.

12           7.     **Extensions or Modifications of the Discovery Plan and Scheduling Order.** LR  
13 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any  
14 stipulation or motion must be made ~~not later than March 11, 2015~~, which is twenty-one (21) days  
15 before the ~~discovery cut off date of April 1, 2015~~, expiration of the subject deadline. All requests  
16 for extension shall fully comply with LR 26-4.

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This stipulation and order is sought in good faith and not for the purpose of delay. No prior request for any extension of scheduling deadlines has been made.

DATED this 3<sup>rd</sup> day of November, 2014.

LAW OFFICE OF DAN M. WINDER, P.C.

JACKSON LEWIS P.C.

/s/Dan M. Winder

DAN M. WINDER, ESQ.  
3507 W. Charleston Blvd.  
Las Vegas, NV 89102  
*Attorney for Plaintiffs*

/s/Paul T. Trimmer

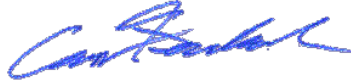
PAUL T. TRIMMER  
3800 Howard Hughes Pkwy, Ste. 600  
Las Vegas, NV 89169  
*Attorney for Defendants*  
*Frias Transportation Management;*  
*Virgin Valley Cab Company, Inc.; Ace*  
*Cab, Inc.; A-N.L.V. Cab Co.; Union*  
*Cab Co.; and Vegas-Western Cab, Inc.*

GILBERT & SACKMAN  
A Law Corporation

/s/Joshua F. Young

JOSHUA F. YOUNG  
3699 Wilshire Boulevard, Suite 1200  
Los Angeles, CA 90010-2732  
*Attorneys for Union Defendants*

**IT IS SO ORDERED.**



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JUDGE/MAGISTRATE, U.S. District Court

Dated 11-4-2014